

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Cesar de la Garza,

Civil No. 06-4767 (RHK/JJG)

Petitioner,

ORDER

v.

Joan Fabian,

Respondent.

Having reviewed de novo the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham and Petitioner's Objections thereto, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. Petitioner's Objections (Doc. No. 58) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 57) is **ADOPTED**;
3. The Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 (Doc. No.1) is

DENIED;

4. Petitioner's Motion for Summary Judgment (Doc. No. 40) is **DENIED**; and
3. Petitioner's Motion for other relief (Doc. No. 52) is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 3, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge